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7 Attorneys for Plaintiffs,
 Jen Raynes and Jen Raynes Studio

9 **IN THE UNITED STATES DISTRICT COURT FOR THE**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 JEN RAYNES, an individual, and JEN
 RAYNES STUDIO, a California sole
 proprietorship,

12 Plaintiffs,

13 vs.

14 GHOST HORSE VINEYARDS, LLC d/b/a
 15 GHOST HORSE VINEYARDS, a California
 Limited Liability Company, TODD G.
 16 ANDERSON, an individual, RONENE E.
 ANDERSON, an individual, ANDERSON'S
 17 CONN VALLEY WINERY, INC., a
 California Corporation, CONN VALLEY
 18 VINEYARD, LP, a California Limited
 Partnership, DANA K. GALLAGHER, an
 19 individual, GUSTAF A. ANDERSON, an
 individual, and PHYLLIS B. ANDERSON,
 20 an individual,

21 Defendants.

) Civil Case No.:

09 03929
) COMPLAINT FOR COPYRIGHT
) INFRINGEMENT

) DEMAND FOR JURY TRIAL

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1 Plaintiffs Jen Raynes (“Raynes”) and Jen Raynes Studio (“Studio”) (collectively,
 2 “Plaintiffs”), file this Complaint against Defendants Ghost Horse Vineyards, LLC d/b/a Ghost Horse
 3 Vineyards (“Ghost Horse Vineyards”); Todd G. Anderson; Ronene E. Anderson; Anderson’s Conn
 4 Valley Winery, Inc.; Conn Valley Vineyard, LP; Dana K. Gallagher; Gustaf A. Anderson; and Phyllis
 5 B. Anderson (collectively, “Defendants”) and allege as follows:

6 **NATURE OF ACTION**

7 1. This is a civil action seeking damages, declaratory relief and injunctive relief for
 8 copyright infringement under the United States Copyright Act, 17 U.S.C. § 101 et seq.

9 2. Plaintiffs seek damages and injunctive relief against all Defendants.

10 **JURISDICTION AND VENUE**

11 3. This court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

12 4. Venue is proper in the Northern District of California pursuant to 28 U.S.C. § 1391, as
 13 a substantial part of the acts or omissions giving rise to this action occurred, or a substantial part of
 14 the property that is the subject of this action is situated, in the Northern District of California, and as
 15 all Defendants reside in California, and at least one Defendant resides in the Northern District of
 16 California.

17 **INTRADISTRICT ASSIGNMENT**

18 5. Pursuant to Civil L-R 3-2(c), assignment to any Division within the Northern District
 19 of California is appropriate because this complaint includes an intellectual property claim.

20 **THE PARTIES**

21 6. Plaintiff Raynes is an individual residing in Felton, CA.

22 7. Plaintiff Studio is a California sole proprietorship, which maintains its principal place
 23 of business at P.O. Box 58, Boulder Creek, CA 95006.

24 8. Upon information and belief, Defendant Ghost Horse Vineyards, LLC is a California
 25 Limited Liability Company doing business as Ghost Horse Vineyards. According to the California
 26 Business Portal their business is located at 912 Signorelli Cir., Saint Helena, CA 9457, however upon
 27 information and belief, it maintains its principal place of business at 680 Rossi Road, Saint Helena,
 28 CA 94574.

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18. In January 2000, Plaintiff Raynes painted the image entitled “White Mare,”¹ depicting a horse in profile, shaking its head so as to toss its mane. Creation of “White Mare” required a substantial investment of time, artistic vision, and creative effort.

19. Upon information and belief, Todd G. Anderson is an owner and officer of Ghost Horse Vineyards. Upon information and belief, Ronene E. Anderson is Ghost Horse Vineyard’s designated Agent for Service of Process.

20. In October 2001, Plaintiffs sold the original physical painting of “White Mare” to Defendants Todd G. Anderson and Ronene E. Anderson.

21. In November 2001, Defendants Todd G. Anderson and Ronene E. Anderson contacted Plaintiff Raynes to discuss the licensing and use of Plaintiffs’ copyrighted image “White Mare” for commercial purposes. Licensing discussions between Plaintiff Raynes and Defendant Todd G. Anderson and Defendant Ronene E. Anderson occurred, but the parties never reached an agreement. Plaintiffs never agreed to license, and did not license, the “White Mare” image or transfer any copyrights in the “White Mare” image to Defendants.

22. In May 2009, Plaintiff Raynes became aware that unauthorized, unlicensed reproductions of the copyrighted “White Mare” painting were being used commercially by Defendants on their website. Defendants used the White Mare image in Ghost Horse Vineyards’ logo on its website, www.ghosthorseworld.com, and on a variety of Ghost Horse Vineyards’ merchandise, including wine glasses, wine cabinets, leather jackets, shirts, belt buckles and as the logo on Ghost Horse Vineyards’ wine bottles. The image has been prominently used in a variety of marketing and advertising venues.

23. All of the above uses were unauthorized.

24. Upon information and belief, Ghost Horse Vineyards, Anderson’s Conn Valley Winery, Inc., and Conn Valley Vineyard, LP each maintains its principal place of business at 680 Rossi Road, Saint Helena, CA 94574. Upon information and belief, Ghost Horse Vineyards and Anderson’s Conn Valley Vineyards use the same office phone number. Upon information and belief,

¹ White Mare has also been referred to as “Edgy” and “Ghost Horse” over time by various persons.

1 Dave Bryant is listed as the main contact on the websites of both Ghost Horse Vineyards and
2 Anderson's Conn Valley Vineyards.

3 25. Upon information and belief, both Ghost Horse Vineyards and Anderson's Conn
4 Valley Vineyards are managed and operated by Todd G. Anderson and Ronene E. Anderson. Upon
5 information and belief, Todd G. Anderson is, and at all relevant times has been, President of
6 Anderson's Conn Valley Winery, Inc., a Member of Ghost Horse Vineyards, LLC, and a General
7 Partner of Conn Valley Vineyard, LP. Upon information and belief, Ronene E. Anderson is the
8 Marketing and Promotions Director for Anderson's Conn Valley Vineyards and a Member, Manager,
9 and Partner of Ghost Horse Vineyards. Upon information and belief, Ronene E. Anderson is the
10 Agent for Service of Process for both Ghost Horse Vineyards and Anderson's Conn Valley
11 Vineyards.

12 26. Upon information and belief, the Conn Valley Winery House, located in Conn Valley
13 Vineyards, is a property of Ghost Horse Vineyards.²

14 27. Upon information and belief, Defendant Dana K. Gallagher is the Vice President and
15 CFO of Anderson's Conn Valley Winery, Inc. and Conn Valley Vineyard, LP. Upon information and
16 belief, Defendant Dana K. Gallagher is a Director of Anderson's Conn Valley Winery, Inc. and a
17 General Partner of Conn Valley Vineyard, LP.

18 28. Upon information and belief, Defendant Gustaf A. Anderson is the Chairman of
19 Anderson's Conn Valley Winery, Inc. and a General Partner of Conn Valley Vineyard, LP.

20 29. Upon information and belief, Defendant Phyllis B. Anderson is an Officer of
21 Anderson's Conn Valley Winery, Inc. and a General Partner of Conn Valley Vineyard, LP.

22 30. Upon information and belief, at all relevant times herein mentioned, Defendants, and
23 each of them, were acting as the agents, servants, employees, successors, predecessors, associates,
24 employees, partners, joint ventures, alter egos, conspirators, representatives and/or in some other
25 capacity, however termed and/or described, of each other and were acting within the course and
26

27
28 ² The Conn Valley Winery House is listed by Ghost Horse Vineyards as "one of our Winery Properties" on its website,
www.ghosthorseworld.com.

scope of such relationships, and with full knowledge and consent, such that Defendants are jointly and severally liable to Plaintiffs.

FIRST CLAIM FOR RELIEF

(Copyright Infringement under 17 U.S.C. § 501)

31. Plaintiffs reallege and incorporate herein every prior allegation.

32. Plaintiffs' painting "White Mare" is an original work of authorship and constitutes copyrightable subject matter.

33. Plaintiffs are the owners, creators and exclusive copyright holders of "White Mare," duly registered with the U.S. Copyright Office under registration number VA 1-672-516. A copy of the Certificate of Registration is attached as Exhibit A.

34. Plaintiffs are, and at all relevant times have been, the copyright owners of exclusive rights with respect to the painting "White Mare" and have never assigned, licensed or otherwise transferred the copyrights to any of the Defendants or dedicated them to the public.

35. Plaintiffs have not executed any document effecting transfer of rights to Defendants.

36. Defendants have, without permission or authority, reproduced, distributed, and displayed Plaintiffs' copyrighted painting "White Mare" on a variety of Ghost Horse Vineyards' merchandise, including wine glasses, wine cabinets, leather jackets, shirts, belt buckles, and as the logo on Ghost Horse Vineyards' wine bottle, as well as on the Ghost Horse Vineyards website, www.ghosthorseworld.com.

37. Defendants have, without permission or authority, indirectly influenced others, including but not limited to other of the named defendants, to reproduce, distribute, and display Plaintiffs' copyrighted painting "White Mare" on Ghost Horse Vineyards' merchandise, including wine glasses, wine cabinets, leather jackets, shirts, belt buckles, and as the logo on Ghost Horse Vineyards' wine bottle, as well as on numerous websites.

38. Defendants have knowingly and intentionally reproduced, distributed, and displayed Plaintiffs' copyrighted painting "White Mare" in furtherance of their business and in knowing disregard of Plaintiffs' rights.

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39. Defendants' deliberate and unauthorized use of Plaintiffs' copyrighted painting "White Mare" despite knowledge of a lack of licensing agreement constitutes willful violation of Plaintiffs' rights.

Wherefore, Plaintiffs prays for relief against all Defendants as set forth below.

PRAYER

Wherefore, Plaintiffs pray for relief against each of the Defendants as follows:

1. The Court declare that Defendants infringed Plaintiffs' copyrights in the "White Mare" Painting.

2. That all Defendants are joint and severally liable.

3. Defendants be ordered to account for and pay to Plaintiffs, damages suffered by Plaintiffs as a result of Defendants' unlawful acts;

4. Defendants be ordered to account for and pay to Plaintiffs, all profits realized by Defendants as a result of Defendants' unlawful acts;

5. Defendants' acts alleged above were willful, wanton, malicious, and oppressive, and justify the awarding of exemplary and punitive damages to Plaintiffs;

6. The Court declare this an exceptional case and award Plaintiffs recovery of attorney fees;

7. Preliminary and permanent injunctive relief;

8. Such other relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand trial by jury for all issues which are so triable.

Dated: August 25, 2009

MOUNT & STOELKER, P.C.

By:

Kevin M Pasquinelli, Esq.

Daniel S. Mount, Esq.

Kathryn G. Spelman, Esq.

Kevin M. Pasquinelli, Esq.

Attorneys for Plaintiffs

JEN RAYNES and JEN RAYNES STUDIO

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number:
VA 1-672-516

**Effective date of
registration:**
July 20, 2009

Title

Title of Work: White Mare
Previous or Alternative Title: Edgy
Ghost Horse

Completion/ Publication

Year of Completion: 2001
Date of 1st Publication: October 1, 2001 **Nation of 1st Publication:** United States

Author

■ **Author:** Jen Raynes, dba Jen Raynes Studio
Author Created: 2-D artwork
Work made for hire: No
Citizen of: United States

Copyright claimant

Copyright Claimant: Jen Raynes, dba Jen Raynes Studio
P.O. Box 289, Felton, CA, 95018

Certification

Name: Kevin M. Pasquinelli
Date: July 20, 2009